HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.112 of 2007

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Between:

B.Lakshman

...Appellants

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And

The Union of India, Ministry of Defence,
New Delhi, rep. by its Secretary and another

...Respondents.

:: J U D G M E N T ::

Counsel for the appellant: Shri S. Ramachandra Rao assisted by Shri B. Srinivas, Advocate

Counsel for respondent No.1: Shri Deepak Bhattacharjee

Counsel for respondent No.2: Shri Y.V. Ravi Prasad

February 06, 2007

Per G.S. SINGHVI, C.J.

This appeal is directed against order dated 5-1-2007 passed by the learned Single Judge in WPMP No.69 of 2007 in Writ Petition No.49 of 2007, whereby she declined the appellants' prayer for being allowed to continue as elected members in the Cantonment Board, Secunderabad and fixed the main petition for final hearing on 5-2-2007 subject to part-heard cases.

We have heard Shri S. Ramachandra Rao, learned Senior Counsel for the appellants, Shri Deepak Bhattarjee, learned counsel for respondent No.1, Shri Y.V. Ravi Prasad for respondent No.2 and perused the record. Since the writ petition filed by the appellants questioning the legality of order dated
18-12-2006 is pending adjudication before the learned Single Judge and the same is likely to be taken up for hearing in immediate future, we do not consider it proper to make any observation on the merits of the appellants' challenge to order dated 18-12-2006.

From the pleadings of the parties, we find that the appellants were deprived of their elective offices on 18-12-2006 and were replaced by another body, which is presently carrying on the functions of the Cantonment Board. Therefore, it will not be in the interest of justice to put the appellants' back in saddle by an interim order of the Court.

With the above observations, the appeal is dismissed. However, by taking cognizance of the statement made by the learned Senior Counsel that the main writ petition was not listed before the Court on 5-2-2007 in terms of the direction given by the learned Single Judge, we direct the Registrar (Judicial) to ensure that the writ petition is positively listed before the Single Bench on 8-2-2007.

We also request the learned Single Judge to decide the writ petition as early as possible.

As a sequel to dismissal of the writ appeal, WAMP No.179 of 2007 filed by the appellants for interim relief is disposed of as infructuous.

G.S.SINGHVI, C.J.

February 06, 2007

C.V.NAGARJUNA REDDY, J.

svs